

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNUM LIFE INSURANCE COMPANY
OF AMERICA,
Plaintiff

Case No. C-1-05-825
(Weber, J.)
(Hogan, M.J.)

vs

PAMELA M. GOINS
Defendant

ORDER

This matter is before the Court on Plaintiff's Motion to Compel Discovery (Doc. 17). To date, Defendant has filed no opposition to Plaintiff's motion.

Plaintiff initiated this action by filing a complaint under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 et seq., seeking restitution pursuant to 29 U.S.C. § 1132(a)(3). (Doc. 1).

In its Motion to Compel, Plaintiff contends that Defendant has refused to respond to discovery requests properly served upon her. (*See* Doc. 17).¹ Plaintiff claims that Defendant has failed to answer the First Set of Interrogatories and Requests for Production of Documents served upon her by Plaintiff on May 31, 2006. (Doc. 17, Ex. A, Affidavit of Counsel).

¹ While Plaintiff may have exhausted all extrajudicial means of resolution, neither party requested an informal discovery conference before the Court. The Court generally disfavors the filing of motions to compel unless and until the parties have first utilized the informal discovery conference provided for in S.D. Ohio Rule 37.1. Nonetheless, in order to avoid delay, the Court will dispose of Plaintiff's motion herein without an informal discovery conference.

“Failure to file a memorandum in opposition may be cause for the Court to grant any motion as filed.” S.D. Ohio Civ. R. 7.2(a)(2). Defendant has offered no opposition to Plaintiff’s motion. Accordingly, Plaintiff’s Motion to Compel (Doc. 17) is hereby granted.

IT IS THEREFORE ORDERED THAT:

- 1) Plaintiff’s Motion to Compel (Doc. 17) be GRANTED.
- 2) Defendant shall provide responses to Plaintiff’s First Combined Set of Interrogatories and Requests for Production of Documents WITHIN FIFTEEN (15) DAYS.

SO ORDERED.

Date: 10/26/2006

s/Timothy S. Hogan

Timothy S. Hogan

United States Magistrate Judge